

REMARKS

Claims 75-77 and 96-112 are pending in the application. Claims 1-74 and 78-95 are canceled. Claims 108-112 are new. Applicants request that the foregoing amendment be entered prior to examination of the application. The amendments to the specification and claims do not add new matter and support can be found in the specification.

The invention of the amended and new claims is patentably distinguishable over the Pyka (U.S. Patent No. 5,002,563) and Fleischman, et al (U.S. Patent No. 6,132,438) references. As stated by the Office, "[the Pyka and Fleischman] device[s are] capable for securing *two components* together by a pulling force or a compressive force." Office Action, date mailed Dec. 12, 2002 at 5 (emphasis added). In Pyka, the two components are two tissue edges of a wound and in Fleischman, the two components are opposite sides of a single appendage. Pyka at Col. 5, ll. 33-45, Col. 9, ll. 23-26; Fleischman at Fig. 28, Col. 4, ll. 63-67, Col. 12, ll. 42-46, 48-53, Col. 13, ll. 15-19, 23-27. Unlike Pyka and Fleischman, Applicants' invention discloses and claims a fastener assembly for securing *a surgical component to a vessel*. See *supra* Applicants' Amendments to the Claims. Thus, Applicants' invention is patentably distinguishable over Pyka and Fleischman.

No fee is required for consideration of this Preliminary Amendment. If a fee is required, the Commissioner is hereby authorized to charge any deficiency or credit any

overpayment to deposit account number 03-2469. Moreover, if the deposit account contains insufficient funds, the Commissioner is hereby invited to contact Applicant's undersigned representative to arrange payment.

Date: October 20, 2003

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Coulby", is written over a horizontal line.

JOHN N. COULBY, Reg. No. 43,565
ADRIANA L. ZACHOUSKY, Reg. No. 48,564
COLLIER SHANNON SCOTT, PLLC
3050 K Street, NW, Suite 400
Washington, DC 20007
(202)342-8400